

# Conflict of Interest Policy

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## Policy Purpose

The Royal Australian and New Zealand College of Obstetricians and Gynaecologists (the College) is committed to the highest standards of integrity and ethical conduct and to providing a governance structure that is consistent, transparent and robust.

The purpose of this policy is to provide guidance for identifying, declaring and managing real or perceived conflicts of interest involving the College and its activities. This policy is also relevant to those who fulfil a representative role, conduct College business or hold a College appointment.

All College participants must comply with the RANZCOG Code of Conduct and conduct themselves in a manner that reflects the standard of professional and ethical behaviour expected by the College. All College participants are expected to conduct their relationships with each other, the College and outside organisations with objectivity, integrity and transparency).

## Policy Scope

This policy applies to:

- All members of the College, including Fellows, Members, Honorary Fellows, Retired Fellows, Associates (Procedural and Advanced Procedural), Associate Members, Educational Affiliates, Certificants, International Affiliates, Prevocational Affiliates, Trainee Affiliates and Midwife Affiliates;
- All Trainees, including Specialist International Medical Graduates, on the pathway to Fellowship;
- College staff, including the CEO and temporary contractors;
- Agents, contractors (including temporary contractors), external organisation representatives involved in College bodies; and
- All College bodies, including the Board of Directors, Council, Committees, Subcommittees, Steering Committees, Working Groups, Advisory Groups, Working Parties and other bodies authorised to carry out activities or functions of the College collectively referred to as 'College participants'.

### 1. Policy Statement

Avoiding all conflicts of interest (real or perceived) is not always feasible. However, in all cases where a conflict of interest arises, the conflict should be openly and transparently declared to ensure organisational integrity. College participants are obligated to disclose and avoid ethical, legal, financial or other real or perceived conflicts of interest involving the College. It is expected that College participants will remove themselves from a position of decision-making authority with respect to any situation where there is a real or perceived conflict situation involving the College. Alternatively, the College participant may choose to divest their interest where a conflict exists whilst they are involved with the College.

### 2. Definition of Conflict of Interest

A conflict of interest refers to a situation where a conflict arises for a College participant who may have two competing interests. These are often, but not exclusively, interests of public duty versus private interests. Conflicts of interest can involve financial or non-financial interests of the College participant and the

interests of a business partner or associate, family member, friend or person in a close personal relationship with the College participant.

Conflict of interest is defined as:

- A relationship or situation that has the potential to undermine the impartiality of a person because of the possibility of a clash between the person's self-interest and professional interest or public interest.
- A relationship or situation in which a party's responsibility to a second-party limits their ability to discharge its responsibility to a third party (the College).

A conflict of interest can occur if an interest or activity may:

- influence or appear to influence the ability of a College participant to exercise objectivity; or
- impair the College participant's ability to perform their responsibilities in the best interest of the College.

### 3. Guidance or circumstances where conflicts of interest may arise

Below are two general circumstances where conflicts of interest may arise, however there are certainly other circumstances:

- a) **Financial interests:** May include relationships which provide benefits or losses either in money or in-kind benefits. These benefits may be perceived to affect a person's judgement in relation to fair decisions.

Conflicts of interest may involve relationships with pharmaceutical companies or other corporations whose products or services are related to the topic under consideration. Financial interests or relationships requiring disclosure include but are not limited to: **honoraria, consultancies, employment, or stock ownership**. Conflicts of interest may also include participation in the development or endorsement of any other guidance by other organisations on the topic under consideration.

- b) **Other relationships:** An interest should be declared where there is a strong position, or prejudice, familial connection or other relationship held by a College participant that could affect the person's judgement in relation to fair decisions about evidence, their participation in group decision-making and contribution to developing consensus recommendations or decisions.

A College participant is considered to have a potential conflict of interest when they:

- have the opportunity to influence the College's business, administrative or other material decisions in a manner that leads to personal gain or advantage; or
- have an existing or potential financial or other significant interest that impairs or might appear to impair their independence in the discharge of their responsibilities to the College.

In essence, a conflict of interest is a set of circumstances that creates a risk or perception that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary interest.

### 4. Identifying conflicts of Interest

A variety of situations, affiliations and relationships can create real or perceived conflicts of interest. When deciding what kind of relationships should be disclosed, the College participant should consider the situation from the perspective of an outsider and whether the relationship is of such a nature that it could raise an allegation of a perceived or actual conflict of interest. If the College participant is ever under any doubt regarding whether a perceived or actual conflict of interest has arisen, the appropriate course of action is for the College participant to declare the conflict of interest. This serves to protect both the College participant and the College from any adverse consequences if an actual conflict of interest arises.

**Table 1: Questions to ask yourself when assessing whether you might have a real or perceived conflict of interest.**

• 1. What assessment would a fair-minded person make of the circumstances?
• 2. Could my involvement in this matter cast doubt on my integrity or that of the College?
• 3. If I saw someone else doing this, would I suspect they might have a conflict of interest?
• 4. If I did participate in this action or decision, would I be happy if my colleagues, the College or the public became aware of my involvement and any association or connection?
• 5. How would I feel if my actions were covered by the media? Would they cause any embarrassment or detriment to myself or the College?
• 6. Is the matter or issue one of great public interest or controversy where my proposed decision or action could attract greater scrutiny by others?

The following activities illustrate the types of potential or real conflicts of interest that should be disclosed or avoided as applicable in accordance with this policy:

- Having a financial/personal interest in an enterprise with which the College does business which could be perceived to be in a position to influence relevant business decisions.
- **Self-benefit:** Using your position or relationship within the College to promote your own interests or those of your family, including using confidential or privileged information gained in the course of your participation on College business, for personal benefit or gain or for the personal gain or benefit of family members.
- **Financial benefit:** Receipt by the College participant or their immediate family members (partners and dependent children) of payments, gratuities, consultancies, honoraria, employment, grants, payment of travel/ accommodation, meals/beverages, entertainment or educational event registration (including registration fees).
- Financial benefit also includes activities for which College staff members are personally remunerated from an external source/party that involve, or might reasonably be perceived to involve, the College's name, facilities, equipment and staff.
- **Conflicting duties:** Participating in decision making relating to an employer that may conflict with the interests of the College. For example, consideration of a hospital accreditation report including the outcomes by the Training Accreditation Committee of a Committee member's hospital.
- **Chairing a College body responsible for allocating College funding for research or other activities** to an organisation where funding is granted to the chair's/member's organisation/hospital/department etc.
- **Conflicting relationships:** Being in a situation where the relationship between a supervisor, an assessor or examiner and a trainee may compromise an unbiased assessment. Other conflicting relationships might include board membership, stock ownership or consultancies between the individual or immediate family members (partner and dependent children) and corporations whose products or services are related to the topics under consideration or that have a commercial or other interest in the topic under consideration.
- **Expert testimony:** Direct or pecuniary interests considered relevant (for instance, having provided expert testimony on behalf of the entity with a commercial interest or other interest in the topic under consideration).
- **Influencing:** Soliciting benefits for yourself or your family from outside organisations in exchange for exerting influence to advance the interests of that organisation within the College.

- **Other business relationships and dealings:** Approving grants or contracts with organisations in which you or your family have a significant financial or other interest or relationship, particularly if you are in a position to influence major decisions, are responsible for review, negotiation and approval of grants and contracts, or otherwise direct the College’s business dealings with that entity or business.
- **Intellectual property:** Inappropriate or unauthorised use of materials developed under the auspices of the College or potential conflicts relating to the development and use of educational materials (e.g. exam preparation).
- **Property transactions:** Directly or indirectly leasing, renting, trading or selling real estate or personal property to the College.
- **Use of College property for personal advantage:** Using or taking College resources, including facilities, equipment, personnel and supplies, for private use or unauthorised non-College activities.
- **Confidential information:** Asking College staff for embargoed or confidential information relating to the **admission of trainees** with whom the College participant has a close personal relationship.
- **Recording or reporting false information:** Misrepresenting, withholding or falsifying relevant information required to be reported to external parties or used internally for decision-making purposes, in order to derive personal benefits.
- **Gifts:** Soliciting or accepting anything of value (unless nominal – generally \$100 or less), including without limitation payments, gifts or loans from organisations or individuals that have dealings with the College or have applied for or have received grants from the College during the preceding three years. If the College is involved in a tender process, no gift, no matter how small or insignificant should be accepted from the tenderers. If in doubt, guidance should be sought from the relevant party to whom they report.
- **Outside commitments:** Participating in social or political activities is not restricted. However, College participants must ensure they participate as individuals and not as a representative of the College.

This list is not exhaustive and is intended to provide guidance only. It is not possible to define all the potential areas where a conflict of interest may arise and therefore if in any doubt as to whether a perceived or actual conflict has arisen, the appropriate course of action is to declare the conflict of interest, for your own reputation and for that of the College.

## 5. Declaration and management of interests

### 5.1 College Bodies

Any College participant, who has a real or perceived conflict of interest in an activity or function relating to a College matter, must disclose the interest to the relevant Committee or body, through the Chair. Disclosure is to occur at the commencement of the term of appointment via the *Identifying, Declaring and Managing Interests – Declaration of Interest Form*. In addition, each meeting has a standing agenda item where declaration of interest is called for at the commencement of the meeting to allow the opportunity for members to update any interest which may have arisen since their time of appointment.

The Chair will decide on the materiality of the disclosure and whether or not a conflict of interest exists. If the Chair is uncertain, a conflict of interest will be deemed to exist and the Chair is responsible for establishing a process to assess whether a conflict does or does not exist and if it does, its significance and any action that needs to be taken and how to respond to the conflict. Such a process may include:

- Referral to the CEO; or
- Referral to the Board.

If a disclosure is made at the start of a meeting, the College participant should leave the meeting and the disclosure should be discussed in the absence of the College participant by the remaining members of the relevant group. The remaining group members should decide whether a conflict exists and, if so, its significance and likely impact on the item or items of business to which it applies and what action, if any, needs to be taken. This may involve recruiting third parties who do not have an interest (such as Governance or People and Culture departments, or legal advisors) to advise on or participate in the matter. Disclosures,

processes adopted, the resolution and the action taken following consideration should be recorded in the relevant meeting minutes. Should an appearance of impropriety or actual conflict exist, appropriate actions must be taken dependent upon the particular facts.

If a Chair makes a disclosure of interest, he/she should vacate the Chair for discussion by remaining members of the relevant group and this declaration should be notified to Board and CEO.

If a member(s) believes a College participant may have an undeclared interest which should be disclosed and has not been, they are entitled to raise the matter with the relevant Chair, who will then establish the process to assess whether a potential conflict does or does not exist, its significance and any further action that is required.

#### 5.1.1 Statements and Guidelines Development

Any College participant involved in the development of a College Statement or Guideline, who has a real or perceived conflict of interest with that College matter, must disclose the interest to the relevant Committee or body. Disclosure is to occur at the commencement of the term of appointment, or at the time of development or revision to a Statement or Guideline, via the *Statements & Guidelines Development – Declaration of Interest Form*. In addition, each meeting has a standing agenda item where declaration of interest is called for at the commencement of the meeting to allow the opportunity for members to update any interest which may be relevant to the Statement or Guideline under discussion.

#### 5.1.2 Register of Interests

A Register of Interests is maintained to record all declared conflicts of interest made by members of College committees for the two year\* term of each committee within the relevant Council term. (\*The Council term from the commencement of the Twelfth Council is two-year.)

At the commencement of a committee term, or new committee member appointment, each committee member is to complete a Declaration of Interest form and submit to the relevant Committee Coordinator responsible for maintaining the Register of Interests.

The Register of Interests will be updated after each committee meeting with any verbal declarations of interest and will be tabled at the next committee meeting.

Conflict of interest declaration made by the individuals involved in the development of RANZCOG presentations/webinars, guidelines, statements, and public consultations may be published in the relevant document in the interest of transparency and upon expressed consent of the concerned individual.

RANZCOG guidelines may include a statement for each guideline development group member declaring their interests related to the guideline topic. Where a conflict of interest exists, the strategy used to manage each of them must also be published.

### 5.2 College Staff

Upon commencement of employment, all College staff complete the *Conflict of Interest Declaration & Management Form*. The People and Culture department maintain a register of employee's declarations of interest and retain the form in an employee's personal file. Any change of circumstance that might lead to a real or perceived conflict of interest in an activity or function relating to a College matter must be disclosed through the CEO or the relevant College Director, and advised to the People and Culture department by an updated *Conflict of Interest Declaration & Management Form*.

### 6. Related RANZCOG Documents:

- RANZCOG Constitution
- RANZCOG Code of Conduct

- Declaration of Interest – Statements and Guidelines Development
- Identifying, Declaring and Managing Interests – Declaration of Interest Form
- Register of Interests – RANZCOG Committees
- Board of Examiners Policy
- Employee Conflict of Interest Declaration & Management Form
- Policy on Prejudicial Relationships (WPI 3) College Statement
- Gifts and Benefits Policy and Procedure

Version	Date of Version	Pages revised / Brief Explanation of Revision
v1	May 2017	RANZCOG Board
v2	October 2018	Eleventh Council
v3	October 2019	ELT
v4	December 2019	Executive Leadership Team
v5	October 2020	RANZCOG Board Code of Conduct update
v6	November 2021	Disclosure of conflict of interest for development of RANZCOG presentations/webinars, guidelines, statements, and public consultations
v7	February 2024	Policy revised to reflect change in nomenclature.

Policy Version:	Version 7
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